

# Court of Appeals, State of Michigan

## ORDER

Lucy M Pilch v Ocwen Federal Bank

Docket No. 259445

LC No. 01-093721-CH

Michael R. Smolenski  
Presiding Judge

Joel P. Hoekstra

Christopher M. Murray  
Judges

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The motion for review of the clerk's taxation of costs is GRANTED.

A prevailing party is entitled to costs only for the *original* of a brief at the rate of \$1 per page, MCR 7.219(F)(2), and for exhibits and appendices attached to a taxable brief at the rate of \$.10 per page, IOP 7.219(F)-2. Therefore, the clerk's taxation of costs in the amount of \$50.80 for copy costs for appellant's briefs is upheld.

A prevailing party is entitled to reasonable appellate attorney fees under the Michigan Consumer Protection Act per MCL 445.911(2). *Lavene v Winnebago Industries*, 266 Mich App 470, 477 (2005); *Smolen v Dahlmann Apts Ltd*, 186 Mich App 292, 293–298 (1990). The determination of the amount of reasonable attorney fees must be based on the application of factors contained in *Crawley v Schick*, 48 Mich App 728, 738 (1973). *Smolen, supra*, p 295. Therefore, this matter is REMANDED to the trial court for an evidentiary hearing regarding the amount of appellate attorney fees to which plaintiff-appellant is entitled. We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 30 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk